

विकास योजना - औरंगाबाद

महाराष्ट्र प्रादेशिक नियोजन व नगररचना
अधिनियम, १९६६ चे कलम ३७ अन्वये मंजूरी...
(विकास हक्क हस्तांतरणाची तरतुद...)

महाराष्ट्र शासन

नगर विकास विभाग

शासन निर्णय क्र. टिपीएस-३००२/७५३/प्र.क्र. १६६/२००२/नवि-३०.

मंत्रालय, मुंबई - ४०० ०३२.

दिनांक : ८ जानेवारी, २००७.

शासन निर्णय : सोबतची अधिसूचना महाराष्ट्र शासन राजपत्रात प्रसिद्ध करावी.

महाराष्ट्राचे राज्यपाल यांचे आदेशानुसार व नांगाने.



(शिवाजी पाटणकर)

अवर सचिव

प्रति,

विभागीय आयुक्त, औरंगाबाद विभाग, औरंगाबाद.

जिल्हाधिकारी, औरंगाबाद.

संचालक नगररचना, महाराष्ट्र राज्य, पुणे.

आयुक्त, औरंगाबाद महानगरपालिका, औरंगाबाद.

उप संचालक नगररचना, औरंगाबाद विभाग, औरंगाबाद.

सहायक संचालक नगररचना, औरंगाबाद शाखा, औरंगाबाद.

व्यवस्थापक, शासकीय मुद्रणालय, औरंगाबाद.

त्यांना विनंती करण्यात येते की, सोबतची अधिसूचना महाराष्ट्र शासन राजपत्राच्या औरंगाबाद विभागीय पुरवणीमध्ये प्रसिद्ध करून त्यांच्या ५ प्रती या विभागास व संचालक नगररचना, महाराष्ट्र राज्य, पुणे यांना पाठवाव्यात.

✓ बक्ष अधिकारी (नवि-२९)

त्यांना विनंती करण्यात येत की, सदरची अधिसूचना शासनाच्या वेबसाईटवर प्रसिद्ध करावी

निषेड नसती, नवि-३०.

20080201165343002

**Development Control Regulations -
Aurangabad**

Sanction under section 37 of the
Maharashtra Regional & Town
Planning Act, 1966.

**GOVERNMENT OF MAHARASHTRA
URBAN DEVELOPMENT DEPARTMENT**

Mantralaya, Mumbai - 400 032

Dated : 8th January, 2007.

Maharashtra Regional and Town Planning Act, 1966.

NO.TPS-3002/753/CR-166/2002/UD-30 :- Whereas, the Building Bye-Laws and Development Control Rules (hereinafter referred to as "the said DCRs") for the area within the jurisdiction of Aurangabad Municipal corporation (hereinafter referred to as "the said Corporation") has been sanctioned by the Government vide Urban Development Department's Resolution No.TPS-/CR/59/UD-12, dated 14th October of 1991,

And whereas, the Government of Maharashtra Urban Development Department vide its Memorandum No.DCR-1094/529/CR-102/94/UD-11, dated 20th April of 1994 issued directions under section 37 (1) of Maharashtra Regional and Town Planning Act 1966 (hereinafter referred to as "the said Act") to all Municipal Corporations, except Mumbai Municipal Corporation, Navi Mumbai Municipal Corporations and those who have already initiated action in this behalf and the Municipal Councils having population more than 2.00 lakh as per 1991 census to initiate proposal of minor Modification to introduce in their relevant Development Control Regulations the concept of "Transfer of Development Rights".

And whereas, in accordance with the provisions of Section 37(1) of the said Act, the said Corporation vide its Resolution dated 3rd October of 1993 has decided to imitate proposal of minor Modification to introduce in their relevant Development Control Regulations the concept of "Transfer of Development Rights". However, the said Corporation did not submit the same for sanction to the Government for a period of about 10 years,

And therefore, in view of powers vested under Sub-section (1A) of Section 37 of the said Act, Government found it expedient to publish the Notice in this regard to introduce New Rule No.28 "regulations for the grant of Transferable Development Rights (TDRs)" in the said Development Control Rules (hereinafter referred to as "the said Modification Proposal"), and whereas, the Government in Urban Development Department vide Notice No.TPS-3002/753/CR-166/2002/UD-30, dated 17th January of 2004 has published the notice to that effect for inviting suggestions/objections from the general public within a period of one month from the date of publication of the Notice in the Official Gazette. The suggestions/Objections for the said Modification Proposal were to be forwarded to the Deputy Director of Town Planning, Aurangabad Division Aurangabad, being the officer appointed under sub section (1) of section 162 of the said Act,

And whereas, the corrigendum was issued to the notice published under No.TPS-3002/753/CR-166/2002/UD, dated 17th January of 2004 under No.TPS-3002/753/क्र.१६६/२००२/नवि-३० dated 25th May of 2004 which was published in

Maharashtra Government Gazette dated 17th June of 2004 on page nos. 901 to 903 ;

And whereas, after giving hearings to the persons who have filed suggestions and objections to the said modification proposal, the appointed officer i.e the Deputy Director of Town Planning, Aurangabad Division, Aurangabad, has submitted his report to the Government ;

And whereas, after making necessary inquiry and consulting the Director of Town Planning, Maharashtra State, Pune, the Government is satisfied that the said modification proposal should be sanctioned with some amendments.

Now therefore in exercise of powers conferred by sub-section 2 of section 37 of the said Act, and all other powers enabling it in that behalf the Government of Maharashtra hereby sanctions, the said modification proposal as per Appendix 'I' with amendments and the said concept of "Transfer of Development Rights", shall be incorporated as Rule No.28 in the said DCR.

NOTE :- 1) The aforesaid New Rule with relevant plans are kept open for inspection for the public during office hours in the office of the Commissioner, Aurangabad Municipal Corporation, Aurangabad.

2) The aforesaid Notification is available on Government Web Site @ www.urban.maharashtra.gov.in

By order and in the name of the Governor of Maharashtra,



(Shivali Patankar)
Under Secretary to Government.

APPENDIX—T

Regulations for the grant of Transferable Development Rights (TDR's) to owners / Developers and conditions for grants of such rights in Aurangabad Municipal Corporation Area (New Rule No.28).

- T-1** The owner (or lessee) of a plot of land which is reserved for a public purpose in the development plan and for additional amenities deemed to be reservations provided in accordance with these Regulations excepting in the case of an existing or retention user or to any required compulsory or recreation open space shall be eligible for the award of Transferable Development Rights (TDR's) in the form of Floor Space Index (FSI) to the extent and on the conditions set out below. Such award will entitle the owner of the land to FSI in the form of a Development Rights Certificate (DRC) which he may use himself or transfer to any other person.
- T-2** Subject to the Regulation-1 above where plot of land is reserved for any purpose specified in Section 22 of Maharashtra Regional and Town Planning Act, 1966, the owner will be eligible for Development Rights (DRCs) to the extent stipulated in Regulations T-5 and T-6 appeared in this Appendix.
- T-3** Development Rights (DRCs) are available only in cases where development of reservation has not been implemented or land under reservation has not been acquired and possession taken subject to T-16.
- T-4** Development Rights Certificate (DRCs) will be issued by the Commissioner of Corporation himself. It will state, in figures and in words, the FSI credit in square meters of the built up area to which the owner or lessee of the said reserved plot is entitled the place and user zone in which (DRC's) are earned and the areas in which such credit may be utilized.
- T-5** The built up area for the purpose of FSI credit in the form of a DRC shall be equal to the gross area of the reserved plot to be surrendered and will proportionately increase or decrease according to the permissible FSI of the zone where from the TDR has originated.
- T-6** When an owner or lessee also develops or constructs the amenity on the surrendered plot at his cost subject to such stipulations as may be prescribed by the Commissioner or the appropriate authority, as the case may be and to their satisfaction, and hand over the said developed/constructed amenity free of cost to the Municipal Commissioner/Appropriate Authority, he may be granted by the Commissioner a further DRCs in the form of FSI equivalent to the area of the construction/development done by him utilisation of which etc. will be subject to the Regulations contained in this Appendix.
- T-7** A DRC will be issued only on the satisfactory compliance of the conditions prescribed in this Appendix.
- T-8** If a holder of a DRCs intends to transfer it to any other person, he will submit the DRC to the Commissioner with an appropriate application for an endorsement of the new holder's name i.e. transferee on this said certificate. Without such an endorsement by the Commissioner himself, the

transfer shall not be valid and the Certificate will be available for use only by the earlier original holder.

T-9 A holder of a DRC who desires to use the FSI Credit Certificate therein on a particular plot of land shall attach to his application for development permission valid (DRCs) to the extent required.

T-10 The following rules shall apply for the use of DRCs :-

- a) DRCs shall not be used in Zone 'A' Zone A-1, Zone B-1, Zone C-1, Zone D-1, Zone E-1 and congested areas R-1 and all Gaothans included in Municipal Corporation limit as shown in Development Plan.
- b) DRCs shall not be used on plots for Housing Schemes of Slum dwellers for which additional FSI is permissible under Regulations N-5 of Appendix-N.
- c) DRCs shall not be used in an areas where the permissible FSI is less than 1.00.
- d) DRCs shall not be used in the vicinity of Aerodrome for the distances as mentioned in Table No.6 of Development Control Rules.
- e) DRCs shall not be used in area situated towards North of Bibi ka Maqbara, where height of structures is restricted to ground floor only as shown in Development Plan [as well as in enclosed plans "B" & "Z"]
- f) DRCs shall not be used for the areas situated within limits of CIDCO and MIDC, so long as they are Special Planning Authorities.
- g) DRCs will not be applicable for lands.
 - (i) Designated as open spaces in layout.
 - (ii) Green Zone as shown in Development Plan.
 - (iii) Areas where corporation thinks fit to acquire than to issue DRC.
 - (iv) Proposals of Development Plan likely to be implemented by way of Town Planning Scheme.
- h) DRCs shall not be used on the plots fronting on following arterial roads upto a depth of 40 m. from road boundary or from the proposed widening boundary on both sides.
 - (i) Aurangabad-Jalna State Highway traversing through Municipal Corporation Limit (Jalna Road).
 - (ii) Road from Kranti Chowk to Railway Over Bridge on Palthan Road.
 - (iii) Road from Railway Over Bridge to Municipal Corporation Limit (Palthan Road.)
 - (iv) Road from Railway Station to Delhi Gate (via Bus Stand).
 - (v) Road from Delhi Gate to Municipal Corporation Limit (Jalgaon Road).
 - (vi) Road from Jalna Road (Seven Hills Junction) to Garkheda Soot Girmi.
 - (vii) Road from Jalna Road (Hotel Amarprit Junction) to Railway level crossing (via Shanoor Miya Dargah).
 - (viii) Beed by pass road.
 - (ix) Aurangabad-Mumbai State Highway through Municipal Corporation Limit (Mumbai Road).

Note :- Above mention arterial roads along with the depth of 40 m. from road boundary or from the proposed widening boundary on both side are overall shown on enclosed Plan Z whereas on enclosed Plan A, roads at Sr.No.(ii), (iv), (vi) and (vii) and part road at Sr.No. (iii), (v) (viii) and (ix) and part road at Sr.No.(i) are shown on Plan B along with the depth of 40 m. from road boundary or from the proposed widening boundary on both sides.

(i) Subject to restrictions mentioned in 'a' to 'h' above.

- (i) DRCs originating from Zone 'A' Zone A-1, R-1 congested area and Gaothan area shown in Development Plan may be used in Zones-B,C,D and E.
- (ii) DRCs originating from Zone 'B' and Zone B-1 may be used in Zone-B,C,D and E.
- (iii) DRCs originating from Zone 'C' and Zone C-1 may be used in C,D and E.
- (iv) DRCs originating from Zone 'D' and D-1, may be used in Zone C,D and E.
- (v) DRCs originating from Zone 'E' and E-1 may be used in Zone C,D and E.

Zones A, B, C, D, E mentioned above are specifically shown on the enclosed Plan B, Plan A and overall in Plan Z and includes the area bounded by the boundaries as shown below

ZONE BOUNDARY

Name of Zone	North	South	East	West
1	2	3	4	5
A	Southern boundary of Himayat Bagh then further CIDCO boundary upto Majnu Hill.	Center line of 45 m. wide Development Plan Proposal of Jalana Road.	Centerline of North South 24 mt. D.P. Road from Majnu Hill then further on southern side along center line of 30 mt D.P. Road upto center line of 45 mt. D.P. proposal of Jalana-Road.	Center line of 35 mt. D.P. Road from Printravel Chowk to Delhi Gate Via Shivaji/ Aam Khas Maidan.
B	CIDCO boundary from Majnu Hill to Survey No.5 of Hattesinghpura	South-East boundary of Survey No.50 of Garkheda to Northern boundary of Survey No.23	North-South CIDCO boundary from Survey No.5 of Hattesinghpura to South-East boundary of	Center line of North-South 24 mt. road start from Majnu Hill then further on Southern side centerline of 30 m

	South-East corner.	of Banewadi along Southern Boundary of Railway Track	Survey No.50 Garkheda (upto Municipal Corporation limit).	D.P. Road upto centre line of 45 mt. wide D.P. proposal of Jalana Road then further upto printravel chowk, along the centre line of Jalana Road then further along Cantt. Boundary upto Survey No.23 of Banewadi Gaothan.
C	Northern boundary of Municipal Limit (North boundary of village Harsul)	Southern boundary of Municipal Limit upto North-West corner of Gut No 39 of Garkheda (Railway line boundary)	Municipal Corporation Eastern boundary.	Western boundary of village Harsul then Southern boundary of village Harsul further Eastern boundary of CIDCO then Southern boundary upto North-West corner of Gut No.39 Garkheda.
D	Southern boundary of Railway Line	Municipal Corporation Limit.	Municipal Corporation Limit.	Municipal Corporation Limit.
E	Municipal Corporation Limit and Harsul village Southern boundary.	Municipal Corporation Limit	Center line of 35 mt. D.P Road from Printravel Chowk to Deini Gate via Aam Khas Maidan upto North East corner of Survey No.220 of Harsul (upto Jatwada Road)	Municipal Corporation Limit.

T-11 The user that will be permitted for utilisation of the DRCs on account of Transfer of Development Rights will be as under:-

Sr. No	Zone in which designated / reserved plot is situated	User to be permitted in receiving areas.
1	Residential	Only residential users and in Residential Zones only.
2	Commercial (C-2)	Commercial (C-2) users if the plot where the FSI is to be utilised is situated in C-2 Zone.
3	-----	Comercial (C-1) if the plot where the FSI

		is to be utilised is situated in C-1 Zone. Residential only in Residential Zones.
4	Commercial (C-1)	Commercial (C-1) if the plot where the FSI is to be utilised is situated in C-1 Zone. Residential only in Residential Zones.
5	Industrial (I-1) (I-2) (I-3)	Residential only in Residential Zones.

- T-12** DRCs may be used on one or more plots of land whether vacant or already developed or by the erection of additional storeys or in any other manner consistent with these Regulations but not so as to exceed in any plot a total built up FSI higher than that prescribed in Regulation T-13 in this Appendix.
- T-13** a) The FSI on receiving plot shall be allowed to be exceeded not more than 0.4 in respect of a TDR available for the reserved plot.
b) The FSI on receiving plot shall be allowed to be exceeded by further 0.40 in respect of TDR available on account of land surrendered for road widening or construction of new road from the very said plot.
- T-14** TDR will be granted and DRCs issued only after the reserved land is surrendered to the Corporation where it is Appropriate Authority, otherwise to the State Government as the case may be, free of cost and free of encumbrances, after the owner or lessee has leveled the land to the surrounding ground level and after he has constructed 1.5 mt. high compound wall or at a height stipulated by the Commissioner with a gate at the cost of the owner and to the satisfaction of the Commissioner or the State Government (where the Corporation is not the Appropriate Authority). The cost of any transaction involved shall be borne by the owner or lessee.
- T-15** Where land acquisition award has been declared but request was made for T.D.R. to the Special Land Acquisition Officer after the date of the publication of these Draft Development Control Regulation containing TDR Concept, the TDR may be considered.
- T-16** Only that lands which are in the process of land Acquisition but the Awards are not yet declared are eligible for TDR instead of compensation amount if the land owner options for TDR in writing.
- T-17** With an application for development permission where an owner seeks utilisation of DRCs, he shall submit the DRC to the Commissioner who shall endorse thereon in writing, in figures and the words, the quantum of the DRC proposed to be utilised, before granting development permission and when the development is complete the commissioner shall endorse on the DRC in writing, in figure and in words, the quantum of the DRs actually utilised and balance remaining thereafter if any, before issue of occupation certificate.
- T-18** The DRC shall be issued by the Commissioner himself as a certificate printed on the bond paper in an appropriate form prescribed by the Commissioner. Such a certificate will be a 'transferable negotiable instrument' after due authentication by the Commissioner. The Commissioner shall maintain a register in form consider appropriate by him of all transactions etc. relating to grant of utilisation of DRs.
- T-19** The surrendered reserved land for which a DRC is to be issued shall vest in the Corporation or the State Government, if the Appropriate Authority is other than the Corporation and such land shall be transferred in the City Survey Records in the name of Corporation or the State Government as the

case may be and shall vest absolutely with the Corporation or the State Government. The surrendered land so transferred to the State Government in respect of which the Corporation is not the appropriate authority may on application thereafter be allowed by the State Government, in favour of the applicant, which may be State Government or Central Government Department Authority or Organisation or any other Public Authority or Organisation on appropriate terms as may be decided by the State Government.

- T-20** The Commissioner / Appropriate Authority shall draw up in advance and make a public notice from time to time in respect of a phased annual program (allowing a 10% variation to deal with emergency development) for utilisation of TDRs in the form of DRs, prioritising revised (draft or sanctioned) development plan reservations to be allowed to be surrendered and indicating the areas for their utilisation on receiving plots. Notwithstanding this, in urgent cases, the Commissioner / Appropriate Authority may for reasons to be recorded in writing grant DRs, as consider appropriate and necessary.

By Order and in the name of the Governor of Maharashtra



(Shivaji Patankar)

Under Secretary to Government.